

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A  
BRAZOS LICENSING AND  
DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL  
INC., AND EMC CORPORATION,

Defendants.

§ CIVIL ACTION 6:20-CV-00473-ADA  
§ CIVIL ACTION 6:20-CV-00474-ADA  
§ CIVIL ACTION 6:20-CV-00475-ADA  
§ CIVIL ACTION 6:20-CV-00476-ADA  
§ CIVIL ACTION 6:20-CV-00477-ADA  
§ CIVIL ACTION 6:20-CV-00478-ADA  
§ CIVIL ACTION 6:20-CV-00479-ADA  
§ CIVIL ACTION 6:20-CV-00480-ADA  
§ CIVIL ACTION 6:20-CV-00481-ADA  
§ CIVIL ACTION 6:20-CV-00482-ADA  
§ CIVIL ACTION 6:20-CV-00485-ADA  
§ CIVIL ACTION 6:20-CV-00486-ADA  
§  
§ PATENT CASE  
§  
§  
§ JURY TRIAL DEMANDED

**RESPONSE TO DEFENDANTS’ SECOND NOTICE OF SUPPLEMENTAL EVIDENCE  
IN SUPPORT OF OPPOSED MOTION FOR INTRA-DISTRICT TRANSFER OF  
VENUE TO THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

In complete disregard for the rules of this Court, Dell has now filed two additional briefs without conferring and without seeking leave. Each time, Dell excused itself from complying with the local rules by styling their additional briefs as “notices” of supplemental evidence. Both times, Dell’s “new” evidence was offered to prove the undisputed and non-new fact that Mr. Shanus and Mr. Etchegoyen, two principles of WSOU, do not reside in Texas.<sup>1</sup> In each notice, Dell argued that WSOU’s employees in Waco should be ignored.

Dell’s additional briefing offers nothing new and should be stricken or disregarded. Defendants’ own opening brief included LinkedIn profiles for Mr. Shanus and Mr. Etchegoyen. *See* Mot. Ex. Nos. 4-5. Pointing to the undisputed fact that Mr. Shanus and Mr. Etchegoyen do not

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<sup>1</sup> This time, Dell points out the irrelevant and uninteresting fact that Mr. Shanus, one of WSOU’s principles, submitted a power of attorney to the Patent Office involving one of the patents asserted against Dell. Dell’s power of attorney in the same IPR was signed by Krish Gupta, a Senior Vice President at Dell located in Massachusetts, a fact that is as irrelevant as the location of Mr. Shanus.

reside in Texas, Defendants' opening brief argued that WSOU had no real presence in Waco. *See* Mot. at 3, 7. In response, WSOU pointed out that the locations of out-of-state witnesses are irrelevant in weighing the convenience of witnesses, stating:

The potential out-of-state witnesses (both party and non-party) identified by Defendants should be given no weight because this Court has found the Austin and Waco Divisions are equally convenient for out-of-state witnesses.

-473 Dkt. 51 at 9-10 (internal quotes and cites omitted). There was no need to say anything further about Mr. Shanus and Mr. Etchegoyen because they do not reside in Texas, much less Austin. Their locations are irrelevant. To the extent Mr. Shanus and Mr. Etchegoyen *are* relevant, their relevance is this: they prefer to try this case in Waco, not Austin, and are willing to travel to Waco to testify if needed. Dell apparently hopes that repeatedly filing improper "notices" regarding Mr. Shanus and Mr. Etchegoyen will convince this Court to give undue weight to their locations. They are out-of-state witnesses whose location does not somehow favor transferring this case from Waco to Austin. Dell's improper notices should be stricken.

Dated: August 24, 2021

Respectfully submitted,

/s/ Travis Richins

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that on August 24, 2021 the foregoing document was served upon all counsel of record via the court's electronic filing system in accordance with the Federal Rules of Civil Procedure.

/s/ Travis Lee Richins

Tavis Richins